

REMARKS

- I. Reconsideration of rejection of claims 1-75 under 35 U.S.C. §112, first paragraph is respectfully requested.

The subject matter of the present invention is clearly shown in both the specification and the figures. The spring itself performs its' intended duties when it is under compression.

As such, Applicant is further amending the specification at page 12, lines 17, 28 and 29 to delete the term "tension" and to insert the term "compression." No new matter is being added to the specification. Rather, as described at page 12, the Fig. 2 shows the locking and securing device in an open and unsecured position. The spring 104 is shown under compression. In Fig. 3, the spring 104 is not under compression but the spring 100 is under compression. Figs. 4 and 5 also show the spring 100 under compression.

It is submitted that there is a full description in the specification and in the drawings that the springs are either under compression when the securing and locking means is in certain positions or are in a non-compressed state. Therefore, the Examiner is respectfully requested to withdraw this rejection of the claims.

- II. Reconsideration of the rejection of claims 1-75 under 35 U.S.C. §112, second paragraph, is respectfully requested.

The independent claims 1 and 21 have been amended to recite that i) the locking means and the securing means are longitudinally moveable along the longitudinal axis which extends through the securing means; and ii) the locking means being integrally formed with the handle. The independent claims 1, 21 and 34 have been amended such

that the language "the locking being integrally formed with the securing means" has been deleted from the claims.

The claims 14 and 22 have been amended to recite that the locking means includes an engaging means which is positioned at an angle to the handle.

Applicant has cancelled claim 23 and has amended claim 12 to depend from claim 11. Applicant submits that such amendments overcome the Examiner's rejection and the Examiner is respectfully requested to withdraw this rejection of the claims.

III. Reconsideration of the rejections of claims 1-8, 13-19, 22-29, 64, 65, 71 and 72 under 35 U.S.C. §102(b) over the newly cited Perry U.S. Patent No. 5,390,761 reference and claims 1-8, 12-19, 64, 65, 71 and 72 under 35 U.S.C. §103(a) over the Perry '761 reference is respectfully requested.

The present invention relates to a scaffold system having at least one first support, at least one second support, and at least one locking and securing device which both removably locks and secures the first support to the second support. The independent claims have been amended to recite a securing means having a securing pin and a handle, and that the handle is positioned at substantially the center point of the securing pin. The locking and securing device has a means for securing the first support to the second support, which securing means is movably attached to the first support and is also movable between a secured position and an unsecured position with respect to the second support by using a force at a substantially coaxial center point of the securing means.

Independent claims 1 and 22 have been amended to recite that the locking means is in an offset relationship with respect to the securing pin.

In contrast, the newly cited Perry reference describes a latch having a pin with a rotating disc handle mounted thereon. Also, the Perry handle 66 is not offset with respect to the pin 62. Rather, the Perry handle 66 is longitudinally centered on the rod 64, as described at column 5, lines 13-15, in the Perry reference. Therefore, the Perry reference teaches away from the present invention.

Further, the Perry device automatically locks which is a disadvantage when adjusting the height of the unit. The Perry device must be unlocked every time the unit needs to be unsecured. This extra unlocking step when using the Perry unit causes the users to tend to bypass the Perry lock by taping it up. There is no teaching or suggestion of scaffold with the locking and securing device as now recited in the amended claims.

Therefore, the Perry reference fails to teach or suggest the present invention and the Examiner is respectfully requested to withdraw this rejection of the claims.

IV. Reconsideration of the rejection of claims 9, 10, 30, 31, 54, and 55 under 35 U.S.C. §103(a) over the newly cited Perry reference in view of the Weiland reference is respectfully requested.

Claims 9, 10, 30, 31, 54 and 55 depend from either amended claim 1 or 22. The Perry reference fails to show a locking means which is in an offset relationship with respect to the securing pin, as now recited in independent claims 1 and 22. The Weiland reference shows a centered spring and fails to teach or suggest the locking means being in an offset relationship with respect to the securing pin.

Claims 54 and 55 depend from claim 53. In order to correct a typographical error, Application has amended claim 53 to depend from allowable claim 21. Therefore, claims 54 and 55 (along with claim 53) are now allowable.

Therefore, Applicant submits that the present invention is patentably distinct and the Examiner is respectfully requested to withdraw this rejection of the claims.

- V. Reconsideration of the rejection of claims 11, 12, 32-35 and 56 under 35 U.S.C. §103(a) over the newly cited Perry and the Weiland references, as applied above, and further in view of the Emmertt US Patent No. 1,570,135 reference is respectfully requested.

As discussed above, the newly cited Perry and the Weiland references fail to describe the invention as set forth in the amended independent claims 1 and 22. The claims 11-12 depend from such amended claim 1, while claims 32-33 and 56 depend from amended claim 22. Independent claim 34 has been amended herein to also recite a locking member in an offset relationship with respect to the handle and to the securing pin. Claim 35 depends from claim 34. Claim 56 now depends from allowable claim 21.

The Emmertt reference fails to teach the present invention and fails to provide any of the deficiencies of the Perry and/or Weiland references. In the Emmertt reference, the pin or bolt 5 does not act as a spring abutment means for the spring 10. Rather, the casing 9 and the washer 11 of the Emmertt reference are the objects against which the spring 10 bears. In the Emmertt reference, the means 19 is a cam edge of a leaf spring 13 over which rides a lug 16. There is no teaching or suggestion of scaffold with the locking and securing device as now recited in the amended claims. Therefore, the Perry,

Weiland and Emmertt references, either taken alone or in combination, teach away from the present invention and the Examiner is respectfully requested to withdraw this rejection of the claims.

VI. Reconsideration of the rejection of claims 1, 2, 13-16, 20, 41-44, 62, 63 and 70 under 35 U.S.C. §103 over the newly cited Wyse published application no. US2002/0096397 A1 in view of the newly cited Brown U.S. Patent No. 3,561,804 reference is respectfully requested.

Independent claims 1 and 34 have been amended, as fully discussed above. Claim 2 has been cancelled and claims 13-16, 20, 41-44, 62 and 63 depend from claim 1 and claim 70 depends from claim 34. One feature of the present invention, as recited in the claims, is that the securing means is movable by using a force substantially at a coaxial center point of the securing means.

The newly cited Wyse reference shows an offset handle which is particularly shown as the prior art in Fig. 7 in the instant specification; in fact, the present specification sets forth the Wyse reference as undesirable prior art and further sets forth its shortcomings. The Wyse reference does not show moving the securing means by using a force substantially at a coaxial center point of the securing means. Rather, as clearly shown in Fig. 2 of the Wyse reference, the Wyse G-pin 42 has a projecting handle portion 43 for gripping or inserting the pin. Further at paragraph 0027, the Wyse reference teaches away from the present invention by describing that the Wyse handle has a G- or O- shape which projects away from the pin's axis and then curves or bends back towards the axis in such a manner as to be less likely to catch or snag upon passing objects. Further, the Wyse reference requires a separate locking device, generally shown as

locking pin 44, which is operable independently from the G-pin 42, as stated in paragraph 0030 in the Wyse application. Therefore, the Wyse reference specifically teaches away from the present invention.

The newly cited Brown reference fails to supply any of the deficiencies of the Wyse reference. The Brown device has no spring, the Brown handle is not in line (centered) with the securing means, and the Brown unit cannot be secured without being locked.

Rather, the Brown reference shows an offset half loop handle which will not be operable by applying a force at substantially coaxial center point of the bolt. Further, the addition of a spring to the Brown device would hinder the ability of the Brown device to unlock and/or the ability to lock automatically. In contrast, one of the advantages of the instant invention is that the locking and securing device requires a second, conscious effort to lock the pin. This feature is especially useful if the individual wants to make quick height adjustments; that is, there is no need to lock and unlock the device of the present invention every time an adjustment is made.

Still further, the Brown device does not give an easily recognizable evidence of whether the pin is secured or not since the Brown handle is in the same orientation in both cases (i.e., secured or unsecured). In addition, the Brown device does not automatically secure the pin. Therefore, the Brown device is not appropriate for scaffolding since gravity automatically locks the Brown device.

It should be noted that often, when scaffold units are assembled, the scaffolds are assembled with the first brace on the ground, and the two ladders are brought down and secured to the first brace while in this position on the ground. Then, the partially

assembled unit is stood upright (where the position of the lock relative to gravity changes), and the second brace is brought in from the side. One feature of the present invention is that the opposing handles or opposing locking and securing devices can be compressed simultaneously, allowing automatic securing upon release of the handles. Once the scaffold is secured, the operator can then lock the locking and securing device of the present invention by turning the handle of each locking and securing device.

Neither the Wyse nor the Brown references teaches or suggests such features. Therefore, both the Wyse and Brown references, either taken alone or in combination, teach away from the present invention and the Examiner is respectfully requested to withdraw this rejection of the claims.

VII. Reconsideration of the rejection of claims 1, 2, 13-16, 20, 41-44, 62, 63 and 70 under 35 U.S.C. §103 over the newly cited Wyse reference in view of the newly cited Brown and newly cited Smith U.S. Patent No. 4,370,54 reference is respectfully requested.

The distinctions of the present invention over the newly cited Wyse and newly cited Brown references are clearly set forth above. The Wyse reference requires a separate locking device, generally shown as locking pin 44, which is operable independently from the G-pin 42, as stated in paragraph 0030 in the Wyse application. The Brown reference also shows an offset half loop handle 30 which will not be operable by applying a force at substantially coaxial center point of the bolt 18. The newly cited Smith reference fails to supply any of the deficiencies of either the Wyse or Brown references.

The Smith invention generally shows a bolt extending through a door such that the door can be opened from either side. In order to axially move the bolt, the operator must either use the first handle 14 on one side of the door or the opposing second handle 17 on the opposite side of the door. In either instance, the movement of the Smith bolt is by a non-co-axial force. Therefore, the Smith reference also teaches away from the present invention.

Therefore, the Wyse, Brown and/or Smith references, either taken alone or in combination, teach away from the present invention and the Examiner is respectfully requested to withdraw this rejection of the claims.

VIII. Reconsideration of the rejection of claims 9, 10, 30, 31, 57, 73-75 under 35 U.S.C. §103 over the either the newly cited Wyse and newly cited Brown, or newly cited Wyse, newly cited Brown and newly cited Smith, as applied above to claim 8, and further in view of the Weiland reference is respectfully requested.

The claims 9 and 10 depend from amended claim 1, the claims 30 and 31 depend from amendment claim 22, claim 57 was indicated by the Examiner as being allowable, and claims 73-75 depend from amended claim 34.

As described above, the newly cited Brown, Wyse and/or Smith references fail to teach or suggest the present invention.

The Weiland reference, also as fully described above, shows a centered spring and fails to teach or suggest the locking means being in an offset relationship with respect to the securing pin. There is no teaching or suggestion in any of these cited references of a handle and a locking means that is in an offset

relationship with respect to the securing pin. Therefore, Applicant submits that the present invention is patentably distinct and the Examiner is respectfully requested to withdraw this rejection of claims

- IX. Reconsideration of the rejection of claims 11, 12, 32-40, 45, 46 and 56 under 35 U.S.C. §103(a) over either the newly cited Wyse, the newly cited Brown and the Weiland, or Wyse, Brown, Smith and Weiland, as applied above, and further in view of the Emmertt reference is respectfully requested.

The claims 11 and 12 depend from amended claim 1, the claims 32-33 depend from amended claim 22, the independent claim 34 is amended, as fully discussed herein and claims 35-40, 45 and 46 depend from claim 34. Claim 56 has been amended to depend from allowable claim 53, as discussed above.

The present invention sets forth the patentable features over the newly cited Wyse, the newly cited Brown and the Weiland or the newly cited Wyse, Brown, Smith and the Weiland references, as fully explained above.

The Emmertt reference, as also fully described above, recites an offset automatic latch where a force is not supplied as substantially coaxial center of a securing means. Therefore, the Emmertt reference also teaches away from the present invention by having an offset latching mechanism. Therefore, the Examiner is respectfully requested to withdraw this rejection of the claims.

- X. Reconsideration of the rejection of claim 20 under 35 U.S.C. §103 over the newly cited Perry reference in view of the Swiderski reference is respectfully requested.

The newly cited Perry reference, as fully described above, does not teach a locking means in an offset relationship to a securing pin, as now set forth in claim 1, from which claim 20 depends.

The Swiderski reference fails to supply any of the deficiencies of the Perry reference. The Swiderski reference merely shows a guide rail socket which is positioned above a lock. Further, as shown in the Perry and Swiderski references, the extending pin 34 of the Perry reference and the legs of the second moveable U-shaped member 53 only extend through one channel member. There is no teaching or suggestion on having a pin extending through two channels.

According to the present invention, claim 20 describes an embodiment where the pin 82 is supported by the guide rail socket 40 and the channel 60 and thus provides further stability to the scaffold system by spreading the forces or stresses on the pin over a wider area (i.e., over the socket and the channel). This feature provides an improvement in the stability of the securing and locking device such that this device can withstand much greater forces than either the Perry or Swiderski scaffolds. The present invention is a great improvement over these types of scaffolds. Neither the Perry nor Swiderski references, taken along or in combination, teaches or suggests the present invention and the Examiner is respectfully requested to withdraw this rejection of the claims.

XI. Claims 21, 47-49, 50-52, 57-61 and 66-69 are in condition for allowance.

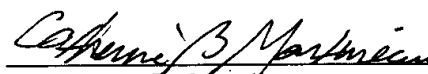
Applicant has amended independent claim 21 to overcome the rejections under 35 U.S.C. §112, second paragraph and submits that all the claims pending therefrom, claims 47-49, 50-52, 57-61, 66-69, are in condition for allowance.

XII. The present application and claims describe a patentable invention.

These amendments, as fully described herein, place the claims in condition for allowance. Applicant also submits that now amended claim 53 (and claims 54-56 which depend therefrom), which was not mentioned in the instant Office Action is also allowable.

The amendments to the specification and claims were necessitated by the newly cited references and the newly presented grounds of rejection. The Applicant submits that the present invention is patentably distinct and a favorable action is respectfully requested.

Respectfully submitted,



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